

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re:

Hieu Nguyen

Debtor.

Case No. 11-15308-SSM

Chapter 13

**NOTICE OF OBJECTION TO CONFIRMATION**

SunTrust Bank has filed papers with the Court to object to the confirmation of the Chapter 13 plan filed by the Debtor.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

A hearing on the Objection is scheduled to be held at United States Bankruptcy Court, 200 South Washington Street, 2nd Floor, Courtroom I, Alexandria, Virginia on September 28, 2011 at 1:30 PM.

Date: August 9, 2011

Signature, name, address and telephone number of person giving notice:

/s/ Sara A. John  
Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
Counsel for SunTrust Bank

Sara A. John, VSB #48425  
M. Richard Epps, P.C.  
605 Lynnhaven Parkway  
Virginia Beach, Virginia 23452  
757-498-9600  
Counsel for SunTrust Bank

Certificate of Service

I hereby certify that on August 9, 2011, I mailed or electronically served a true copy of the foregoing Notice to: Thomas P. Gorman, Trustee, 300 N. Washington St. Ste. 400, Alexandria, VA 22314; Gregory Counts, Counsel for Debtor, 700 S. Washington Street, Suite 216, Alexandria, VA 22314; and Hieu Nguyen, 9409 Starlit Ponds Drive, Fairfax, VA 22032.

/s/ Sara A. John

Sara A. John

M. Richard Epps, P.C.

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NOW COMES SunTrust Bank and for its Objection to Confirmation to the Chapter 13 plan filed by the Debtor herein states as follows:

1. That Debtor filed a petition for relief under Chapter 13 on July 20, 2011. Debtor has filed a Chapter 13 plan.
2. That SunTrust Bank is the holder of a secured claim of the Debtor having a lien on certain real property known as 9409 Starlit Ponds Drive, Fairfax, Virginia 22032.
3. That the plan proposes to avoid the security interest of SunTrust Bank.
4. That Debtor has not filed an adversary proceeding to determine the extent and validity of SunTrust Bank's lien.
5. That since Debtor filed a bankruptcy case as an individual and not a joint case with his/her spouse, he/she cannot strip-off SunTrust Bank's lien on property owned by Debtor and his/her spouse as tenants by the entirety. See *In re Hunter*, 284 B.R. 806 (Bankr. E.D.Va., 2002).

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Counsel for SunTrust Bank

6. That the property has a value of \$475,000.00. There is therefore equity in the property sufficient to secure SunTrust Bank's lien.

**WHEREFORE**, SunTrust Bank prays that confirmation of the Chapter 13 plan submitted by Debtor herein be denied.

SunTrust Bank

/s/ Sara A. John  
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M. Richard Epps, P.C.

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